

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Donald J. Larnard, et al

Application No.: Not yet Assigned

Filing Date: Not yet Assigned

Entitled: NEUROSURGICAL DEVICE
FOR THERMAL THERAPY

Docket No.: 22521-3CON

Group Art Unit: Not yet Assigned

Examiner: Not yet Assigned

INFORMATION DISCLOSURE STATEMENT

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22312-1450

Dear Sir:

It is desired to cite for the record in this application the enclosed articles, United States and foreign patents listed on the attached copy of Form PTO/SB/08A. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

The attached Form PTO/SB/08A provides a listing of information which may be relevant to the subject application. This Information Disclosure Statement is not intended as a representation that better art is not available, or that the information provided is prior art.

Applicants note that the subject Application relies on allowed U.S. Patent Application No. 09/971,072, filed 10/04/2001, entitled NEUROSURGICAL DEVICE FOR THERMAL THERAPY, for an earlier effective filing date under 35 U.S.C. §120, and the Information Disclosure Statements submitted in the earlier Application comply with 37 C.F.R. §1.98(a)-(c).

All references cited in this Information Disclosure Statement were previously cited in Information Disclosure Statements filed in connection with the earlier Application. As such, in accordance with 37 C.F.R. §1.98(d), no copies of patents, publications or other information are included herewith.

[X] (1) The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the date of entry of the national stage of the above-identified application. Accordingly, Applicant(s) believes that no fee or certification is required.

[] (1a) The enclosed Information Disclosure Statement is being filed before the mailing of a first Office action on the merits under 37 C.F.R. §1.97(b)(3); or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Accordingly, Applicant(s) believes that no fee or certification is required.

[] (1b) Pursuant to 37 C.F.R. §1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by the fee set forth in § 1.17(p).

[] (2) Pursuant to 37 C.F.R. § 1.97(d), Applicant states that the issue fee has not been paid and that a certification under 37 C.F.R. §1.97(e) is provided herein, along with the fee of \$180.00 required under 37 C.F.R. §1.17(p).

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (1)

[] (3) The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement.

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (2)

☐ (4) The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 C.F.R. §1.56(c) more than three months prior to the filing of this statement.

The filing of this Information Disclosure Statement is not representation by the undersigned as to the personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant does not necessarily adopt the position reflected by that report.

It is respectfully requested that the cited references be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08A be initialed and returned to us indicating that such information has been considered.


Application No.: Not yet Assigned
Filing Date: Herewith
Atty. Docket No. 22521-3CON

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Respectfully submitted,

Dated: September 11, 2003

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Complete if Known | |
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| | | | | Application Number | Not yet Assigned |
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| | | | | First Named Inventor | Donald J. Lamard, et al |
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| Examiner Name | Not yet Assigned | | | | |
| Sheet | 1 | of | 4 | Attorney Docket Number | 22521-3CON |
| U.S. PATENT DOCUMENTS | | | | | |
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¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP901.04. ³

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| | | | | Examiner Name | Not yet Assigned |
| Sheet | 4 | of | 4 | Attorney Docket Number | 22521-3CON |

| OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS | | | |
|---|-----------------------|---|----------------|
| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
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| Examiner Signature | | Date Considered | |

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